

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOEL BURKETT,

4 Plaintiff

Case No. 3:18-cv-00565-RCJ-WGC

ORDER

5 v.

6 DWYANE DEAL,

7 Defendant
8

9 **I. DISCUSSION**

10 Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma*
11 *pauperis* and submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-
12 1.) The Court has not yet screened the complaint.

13 Plaintiff now files a motion for voluntary dismissal. (ECF No. 3.) Under Federal
14 Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by
15 filing “a notice of dismissal before the opposing party serves either an answer or a motion
16 for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion
17 to voluntarily dismiss this action because no responsive pleading has been filed in this
18 case. As such, the Court dismisses this action without prejudice.

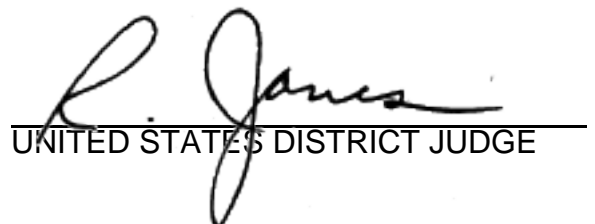
19 **II. CONCLUSION**

20 For the foregoing reasons, it is ordered that the motion for voluntary dismissal
21 (ECF No. 3) is granted.

22 It is further ordered that this action is dismissed in its entirety without prejudice.

23 It is further ordered that the Clerk of the Court will close the case and enter
24 judgment accordingly.

25
26 DATED THIS 21st day of May, 2019.

27 
28 UNITED STATES DISTRICT JUDGE